

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences**

In re Patent Application of

Atty Dkt. HWB-2380-1295

HILDEBRAND et al.

Serial No. 10/538,350

Filed: June 10, 2005

Title: ADAPTIVE CONTROL METHOD FOR OPERATING COMMUNICATIONS ENVIRONMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

C# M#
Confirmation No. 1940
TC/A.U.: 2617

Examiner: Khan, M.B.

Date: October 8, 2010

Sir:

Correspondence Address Indication Form Attached.

NOTICE OF APPEAL

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting \$540.00 (1401)/\$270.00 (2401) \$ 540.00 applicant's claim(s).

- An appeal **BRIEF** is attached in the pending appeal of the above-identified application \$540.00 (1402)/\$270.00 (2402) \$
- Credit for fees paid in prior appeal without decision on merits -\$ ()
- A reply brief is attached. (no fee)

Pre-Appeal Brief Request for Review form attached.

- Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) One Month Extension \$130.00 (1251)/\$65.00 (2251)
Two Month Extensions \$490.00 (1252)/\$245.00 (2252)
Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)
Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$ 130.00

"Small entity" statement attached.

Less month extension previously paid on

-\$()

TOTAL FEE ENCLOSED \$ 670.00

CREDIT CARD PAYMENT ATTACHED.

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

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HWB:Ish

NIXON & VANDERHYE P.C.
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: _____ /H. Warren Burnam, Jr./